

EXHIBIT 1

1 HONORABLE RICHARD A. JONES
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

9 STATE OF WASHINGTON, *et al.*,

10 Plaintiffs,

11 v.

12 UNITED STATES DEPARTMENT OF
13 STATE, *et al.*,

14 Federal Defendants.

15 and

16 NATIONAL SHOOTING SPORTS
17 FOUNDATION, INC., FREDRIC'S ARMS
& SMITHS, LLC,

18 Intervenor-Defendants.

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20 No. 2:20-cv-00111-RAJ
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**INTERVENOR-DEFENDANTS'
REVISIONS TO PLAINTIFFS'
PROPOSED ORDER NEEDED TO
MAINTAIN STATUS QUO WITH
RESPECT TO REGULATORY
RESTRICTIONS ON 3D-FIREARM FILES**

1 This matter came before the Court on the Plaintiff States' Motion for a Preliminary
 2 Injunction. The Court has considered all of the following:

- 3 1. The Plaintiff States' Motion for Preliminary Injunction (Dkt. # 55) with supporting
 declarations and exhibits;
- 4 2. The Intervenor-Defendants' Response to Motion for Preliminary Injunction (Dkt.
 # 83);
- 5 3. The Federal Defendants' Brief in Opposition to Plaintiffs' Motion for Preliminary
 Injunction (Dkt. # 84) with supporting declarations and exhibits;
- 6 4. The Plaintiff States' Reply in Support of Motion for Preliminary Injunction (Dkt. # 87);
- 7 5. The arguments of counsel at the hearing held on February 28, 2020;
- 8 6. The Plaintiff States' Post-Hearing Notice (Dkt. # 89) with supporting declaration; and
- 9 7. The entire record in the above-captioned matter.

10 Being fully apprised of the matter, now, therefore, it is hereby ORDERED, ADJUDGED, and
 11 DECREED that the Plaintiff States' Motion for Preliminary Junction is GRANTED IN PART.

12 The Court finds that the Plaintiff States have established a likelihood of success on the merits
 13 of their claims under the Administrative Procedure Act, that they would suffer irreparable harm absent
 14 preliminary injunctive relief, and that the balance of equities and public interest weigh in favor of a
 15 preliminary injunction to preserve the status quo pending adjudication of the merits.

16 The Court further finds that, in light of the Federal Defendants' representation that a carveout
 17 from the Final Rules can be accomplished prior to the Rules' effective date via an interim final rule
 18 or rules, or an emergency rulemaking, an injunction that is narrowly tailored to preserve the status
 19 quo as to the Munitions List items at issue in this case is appropriate. The items at issue are "technical
 20 data (as already defined in 22 C.F.R. § 120.10) and software (as already defined in 22 C.F.R.
 21 § 120.45) directly related to 3D printed firearms, including software and technology for the
 22 production of a firearm~~firearms~~ or firearm parts." Dkt. # 54 (First Amended Complaint) ¶ 2. using a
 23 3D printer (i.e., an additive manufacturing device).

1 For purposes of this Order, these terms are defined as follows:

- 2 • “Technical data related to 3D printed firearms” are technical data, including but not
3 limited to computer files in any format, including Computer Aided Design (CAD) and
4 Computer Aided Manufacturing (CAM) formats such as STL, AMF, G-code,
5 SLDPRT, and STP, that can be used as part of an additive or non-additive
6 manufacturing process to produce any firearms or firearm parts using a 3D printer or
7 other device, and that have heretofore been subject to the International Traffic in Arms
8 Regulations (ITAR).
- 9 • “Software” has the same meaning as in 22 C.F.R. § 120.45: “Software includes but is
10 not limited to the system functional design, logic flow, algorithms, application
11 programs, operating systems, and support software for design, implementation, test,
12 operation, diagnosis and repair.”
- 13 • “Technology” means information which is required for the design, development,
14 production, manufacture, assembly, operation, repair, testing, maintenance or
15 modification of firearms. This includes information in the form of blueprints,
16 drawings, photographs, plans, instructions or documentation. Cf. 22 C.F.R. § 120.10.

12 The Federal Defendants and their respective officers, agents, servants, employees, and
13 attorneys, and any persons in active concern or participation with them, are ENJOINED from
14 implementing or enforcing the regulations entitled *International Traffic In Arms Regulations*:

15 *U.S. Munitions List Categories I, II, and III*, 85 Fed. Reg. 3819 (Jan. 23, 2020) and *Control of*
16 *Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant*
17 *Control Under the United States Munitions List (USML)*, 85 Fed. Reg. 4136 (Jan. 23, 2020)
18 (collectively, the “Final Rules”), insofar as either or both of the Final Rules have any effect on
19 technical data and software directly related to 3D printed firearms, including software and
20 technology for the production of a firearm firearms or firearm parts—using a 3D printer (i.e., an
21 additive manufacturing device).

22 The Federal Defendants shall preserve the current status quo with respect to technical data and
23 software directly related to 3D printed firearms, including software and technology for the
24 production of a firearm firearms or firearm parts—using a 3D printer (i.e., an additive manufacturing

1 device). Such items shall be maintained on the United States Munitions List and regulated under
2 the International Traffic in Arms Regulations (ITAR), and shall not be transferred to the jurisdiction
3 of the Commerce Department.

4 The Federal Defendants shall take all necessary steps to preserve the status quo as to such items,
5 including but not necessarily limited to publishing—prior to implementing the Final Rules—an
6 interim final rule or rules, or an emergency rulemaking, which shall establish that the Final Rules
7 have no force or effect with respect to technical data and software directly related to 3D-printed
8 firearms, including software or technology for the production of a firearm firearms or firearm parts,
9 using a 3D printer (i.e., an additive manufacturing device), and that such items remain on the United
10 States Munitions List and remain subject to the ITAR.

12 This preliminary injunction shall take effect immediately and shall remain in effect pending
13 trial in this action or further order of the Court.

15 No bond shall be required.